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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,765	04/19/2005	Jean Laurencot	LAURENCOT2	3764

7590 02/26/2008

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EXAMINER	
LU, JIPING	

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,765	LAURENCOT, JEAN	
	Examiner	Art Unit	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☒ Claim(s) *5-7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/24/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract failed to be limited to a single paragraph on a separate sheet within the range of 50-150 words. Also, the using of the phrases “means”, “said” and “The present invention relates to” in the abstract is improper. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 5-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-7 have not been further treated on the merits.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed temperature monitoring

means and sealing means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

5. Items AM, AN, AO, AP listed on page 1 and item AL listed on page 2 of the information disclosure statement filed 8/24/05 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. The information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation “a load of woody material made up of stacked elements”, and the claim also recites “particularly a load of wood” which is the narrower statement of the range/limitation.

The method claims 1-4 contain no active steps. In a method claim, the applicant must recite and define a series of active steps. Each defined active step(s) must be inter-related to previous defined active step(s). With regard to structural limitations, it is suggested that the applicant amends the method claim 1 by defining all structural limitations in the form of preamble, then, follow by a series of active steps with incorporation of structural limitations

within the active steps. For example, the applicant should define the structure of the wood treating chambers, heating means, heat-transfer circulating fluid, sealing means, regulating means, sensors, etc, in the preamble of the method claim, then, follow with a series of active steps. Currently, it is not clear from the claim 1 that how the woody material 5 is traveled from the "pressure chamber" to "recovery chamber". It is not clear how the heating means 19 is temperature and humidity responsively controlled. It is not clear where and how the heat transfer fluid travels between two chambers. The last five lines of claim 1 contain no active steps except functional statements and desired results. As a matter of fact, in the heating art, the temperature rise is always governed as a function of the workload and its thermal conductivity and equilibrium between the heat transfer fluid flow rate and the speed between two chambers.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenau (U. S. Pat. 4,356,641).

Rosenau teaches a method of treating top and bottom sealed woody material within two chambers (at 20, 21 and at 22, 23). The heat treatment is controlled by monitoring means 15, humidity sensors 13, 14, 16-18, temperature sensors 20-23, heating means 12 and circulating heat transfer fluid 19. The heating method is same as broadly claimed in claim 1. With regard to

the last five lines of claim 1, the claimed mathematical functions are deemed to be conventional and well known in the heating art. Therefore, it would have been obvious to one skill in the art at the time the invention was made to govern the rise in temperature as a function of the behavior of the load of woody material in terms of its thermal conductivity and as a function of equilibrium between the flow rate and the speed of the heat-transfer fluid between the two chambers in order to obtain a predictable woody material treating result. With regard to claims 2-4, the claimed mathematical formula and temperature ranges are deemed to be an obvious matter of operation in order to obtain an optimal result.

9. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Weis (U. S. Pat. 3,744,144).

Weis teaches a method of treating top and bottom sealed woody material within two chambers (at 30 and at 44). The heat treatment is controlled by monitoring means 60, humidity sensors 27, temperature sensors 70, 76, heating means 26 and circulating heat transfer fluid 24. The heating method is same as broadly claimed in claim 1. With regard to the last five lines of claim 1, the claimed mathematical functions are deemed to be conventional and well known in the heating art. Therefore, it would have been obvious to one skill in the art at the time the invention was made to govern the rise in temperature as a function of the behavior of the load of woody material in terms of its thermal conductivity and as a function of equilibrium between the flow rate and the speed of the heat-transfer fluid between the two chambers in order to obtain a predictable woody material treating result. With regard to claims 2-4, the claimed mathematical formula and temperature ranges are deemed to be an obvious matter of operation in order to obtain an optimal result.

10. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Little (U. S. Pat. 5,325,604).

Little teaches a method of treating top and bottom sealed woody material within two chambers (at 70 and at 72). The heat treatment is controlled by monitoring means 30, humidity sensors 76, temperature sensors 74, heating means 32 and circulating heat transfer fluid 40. The heating method is same as broadly claimed in claim 1. With regard to the last five lines of claim 1, the claimed mathematical functions are deemed to be conventional and well known in the heating art. Therefore, it would have been obvious to one skill in the art at the time the invention was made to govern the rise in temperature as a function of the behavior of the load of woody material in terms of its thermal conductivity and as a function of equilibrium between the flow rate and the speed of the heat-transfer fluid between the two chambers in order to obtain a predictable woody material treating result. With regard to claims 2-4, the claimed mathematical formula and temperature ranges are deemed to be an obvious matter of operation in order to obtain an optimal result.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jiping Lu/
Primary Examiner
Art Unit 3749

J. L.